

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

EDWARD JUAN LYNUM,

Plaintiff,

v.

Case No: 5:19-cv-567-Oc-41PRL

**PAUL MILITELLO, ALIYA KARAM
KILLION, DANIEL B. MERRITT, SR.
and DANIEL B. MERRITT, SR. ,**

Defendants.

ORDER

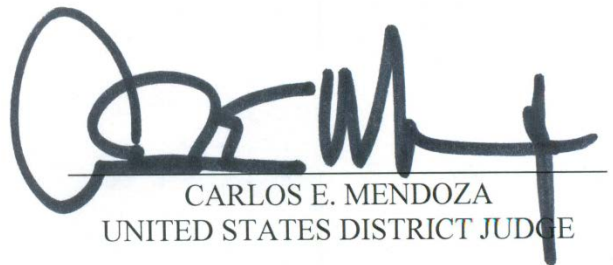
THIS CAUSE is before the Court on Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 5), which is construed as a renewed motion to proceed *in forma pauperis*. United States Magistrate Judge Philip R. Lammens issued a Report and Recommendation ("R&R," Doc. 13), in which he recommends that the Motion be denied and the Complaint (Doc. 1) be dismissed. (Doc. 13 at 8).

Plaintiff filed an Objection to the R&R (Doc. 23). Therein, Plaintiff does not take issue with the Magistrate Judge's substantive legal analysis but argues that the R&R either "misunderstand[s] or misconstru[es] findings and facts" in the Complaint. (*Id.* at 1). The Court disagrees. The R&R identifies several problems with the Complaint that necessitate its dismissal. The Objection does not substantively respond in any way to the problems identified by Judge Lammens. Plaintiff fails to make any argument regarding how Judge Lammens "misunder[stood] or misconstrue[d]" the Complaint other than to point out a misspelling of one of the parties' names. (Doc. 23 at 2). Therefore Plaintiff's Objection does not serve as a basis for this Court to reject the R&R. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

After reviewing the record in this matter, the Court agrees with the analysis set forth in the R&R. Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 13) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 5), construed as a renewed motion to proceed *in forma pauperis*, is **DENIED**.
3. The Complaint (Doc. 1) is **DISMISSED**.
4. The Clerk is directed to close this case.

DONE and **ORDERED** in Ocala, Florida on December 13, 2019.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party